

REMARKS

This Amendment is being submitted in response to the Official Action dated 13 June 2006, the deadline for response being 13 September 2006. The specification has been amended to correct informalities. Claims 1-4 are herein amended. Claims 1-4 remain pending in this application. Allowance of this application is respectfully requested.

The Examiner objected to the specification because the trademarked term “VELCRO” appears in the specification. The Examiner states that the term “VELCRO” should be capitalized and be accompanied by generic terminology in the specification. The specification has been amended accordingly. Applicant respectfully submits that no new matter has been introduced in the specification, nor was such the intent of Applicant, since the amended matter merely reflects common usage and is supported by the drawings.

The Examiner rejected claims 1, 3, and 4 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Examiner contends that the terms “integral liner” in claim 1, “padded inner liner fabric” in claim 3, “patterned outer shell fabric” and “inner liner fabric” in claim 4 lack antecedent bases. Applicant amended claims 1, 3, and 4 for consistency of claim language and thereby provide proper antecedent basis for the afore-mentioned terms. Thus no new matter is intended by Applicant nor was such added herein.

The Examiner rejected claims 1 and 2 under 35 U.S.C. §103 (a) as being unpatentable over Kolpin (U.S. Patent No. 2,901,018 issued on August 25, 1959) in light of Jones (U.S. Patent No. 6,256,922 issued on July 10, 2001). The Kolpin ‘018 patent discloses a firearm casing with a rubber bumper in the barrel end to protect the barrel of the firearm when the firearm and case are stood on the barrel end. The Examiner contends that the Kolpin ‘018 patent discloses all

elements of claims 1 and 2 with the exception of a sidelong access opening selectively closable with a fold over flap attached by VELCRO® conjoined to the end access opening having a fold over flap also attached by VELCRO®, which the Examiner believes are disclosed in the Jones '922 patent. The Jones '922 patent discloses an elongated firearm casing having opposing panels forming an upper longitudinal edge defining an upper aperture for accessing a sight and the insertion and ejection of shells, a lower longitudinal edge, a stock end, and a terminal aperture. Neither Kolpin '018 nor Jones '922 show the combination of 1) first fold-over flap 8 at the widened end of the gun case and securable by Velcro™ over front of the gun case thereby preventing access to the enclosure (Fig. 2); 2) a second flap 9 occupying a significant portion of, the length of the gun case 5 and securable by Velcro™ over the front of the gun case (Figs. 1 and 2); and 3) a first flap 8 opening conjoining the second flap 9 opening. These synergistic features are essential and allow the gun case to be quickly turned inside out for cleaning and/or drying, as clearly described in the specification. Claim 1 is herein amended to clearly highlight these features, now requiring "*a first foldover flap* movable between an open position and a closed position releasably secured over said end access opening to prevent access to the fabric enclosure, and *a second foldover flap* movable between an open position and a closed position releasably secured over said sidelong access opening to prevent access to the fabric enclosure, whereby when both of said first and second flaps are moved to their respective open positions to fully expose said conjoined sidelong and end access openings they allow the gun case to be quickly turned inside out for cleaning and/or drying". The specification supports these amendments (see page 7, lines 5-17). Since Kolpin '018 and Jones '922 lack these essential features, claim 1 is patentably distinguished.

The Examiner also rejected claim 3 under 35 U.S.C. §103 (a) as being unpatentable over

the Kolpin '018 patent and the Jones '922 patent as applied to claim 1, and further in view of Binney (U.S. Patent No. 4,257,464 issued on March 24, 1981). The Examiner asserts that the combination of the Kolpin '018 patent with the Jones '922 patent arrives at claim 1 and the Binney '464 patent discloses a liner including a woven facing that is impregnated with a rust preventative to inhibit corrosion of a gun stored therein to arrive at claim 3. As stated above, Applicant asserts that the combination of the Kolpin '018 patent with the Jones '922 patent does not arrive at the present invention as claimed in claim 1. Since claim 3 depends on claim 1, it is believed that claim 3 is likewise patentably distinguished.

The Examiner rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over the Kolpin '018 patent and the Jones '922 patent and further in view of Broun et al. (U.S. Patent No. 5,431,970 issued on July 11, 1995). The Examiner asserts that the combination of the Kolpin '018 patent with the Jones '922 patent arrives at claim 1 and the Broun et al. '970 patent discloses a tri-layer of protective material for cases where the middle layer is made of foam to protect against impact and abrasion of the contents held within the case, to arrive at claim 4. As stated above, Applicant asserts that the combination of the Kolpin '018 patent with the Jones '922 patent does not arrive at the present invention as claimed in claim 1. Claim 4 depends on claim 1, thus it is believed that claim 4 is likewise patentably distinguished.

In view of the above, pending claims 1-4 are believed to avoid all the rejections set forth in the Official Action. The case should be in allowance. A Notice to this effect is respectfully requested, and the Examiner is invited to call the undersigned at (410) 347-7303 to discuss any remaining issues.

Respectfully submitted,


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Date September 12, 2006

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